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**AN BILLE UM GHNÍOMHAIREACHT FORBARTHA  
GHRÁINSEACH GHORMÁIN 2004  
GRANGEGORMAN DEVELOPMENT AGENCY BILL 2004**

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**EXPLANATORY AND FINANCIAL MEMORANDUM**

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*General*

The general aim of the Bill is to facilitate the development of the Grangegorman site in Dublin as a modern campus for the Dublin Institute of Technology (DIT) and to provide the Eastern Regional Health Authority (ERHA) with upgraded facilities. A statutory authority, the Grangegorman Development Agency, will be established to project manage the development in an integrated and sustainable manner.

*Provisions of the Bill*

**PART 1**

***Preliminary and General***

*Section 1* provides for the short title of the Bill.

*Section 2* defines the terms used in the Bill.

*Section 3* defines the area of land covered by the Grangegorman site.

*Section 4* provides that the Minister will by order determine the day when the Grangegorman Development Agency is to be established.

*Section 5* provides that every Order, apart from the establishment day Order, made under the Bill must be laid before the Houses of the Oireachtas. Each Order will be effective, unless annulled by either the Dáil or Seanad within 21 sitting days after it is laid.

*Section 6* provides that any expenses incurred by the Minister in the administration of the Act will be paid out of moneys provided by the Oireachtas.

**PART 2**

***Grangegorman Development Agency***

*Section 7* establishes the Grangegorman Development Agency as a statutory body.

*Section 8* provides for the functions of the Grangegorman Development Agency. These include promoting the development of the Grangegorman site as a location for education, health and other

facilities; entering into arrangements to exploit any research, development or consultancy work undertaken by the Agency; accepting the vesting of the Grangegorman site and property vacated by the ERHA or DIT; carrying out or facilitating renewal or conservation of land on the site; applying for permission for development of land to facilitate the site's future development; deciding on the appropriate procurement strategy for individual elements of the site; and arranging for a communications strategy to facilitate consultation with local residents, health and education sectors, and representatives of trade unions, employers and the public.

*Section 9* permits the Minister, with the agreement of the Minister for Finance, to confer additional functions on the Agency relating to its existing functions.

*Section 10* provides that the Agency will operate within financial and policy parameters laid down by the Minister.

*Section 11* requires the Agency to draw up a strategic plan for the development of the Grangegorman site. The plan will contain objectives for the development, including provision for the needs of the Minister for Education and Science, the Minister for Health and Children, DIT, ERHA, the Northern Area Health Board, the local community and the city; the provision of on-site services; public transport requirements; property management and refurbishment; the provision of recreational facilities and research and development facilities; and the development of commercial activities. The plan will have regard to Dublin City Council's Development Plan as well as the views of a number of statutory bodies and other interested parties. An opportunity will be given to members of the public to view and comment on the draft plan before it is adopted and the Agency will be required to consider those submissions and amend the plan, where appropriate.

*Section 12* confers on the Minister power to order the transfer of land from a statutory body to the Agency. This can only be done following consultation with the body concerned and with the Minister for Finance's agreement. The Minister must also be satisfied that the land in question is not necessary for the performance by that body of its functions. Compensation will be payable to the statutory body in return for the land transferred.

*Section 13* empowers the Minister for Education and Science or any other Minister of the Government, following consultation with the Agency and with the agreement of the Minister for Finance, to make financial grants to the Agency to cover its capital and current expenditure.

*Section 14* permits the Agency to borrow money to cover its current or capital costs, provided that the sum borrowed does not exceed €100 million. In order to do this, it must first obtain the approval of the Minister, given with the Minister for Finance's agreement.

*Section 15* permits the Minister for Finance to guarantee the repayment by the Agency of moneys it has borrowed. At the end of each financial year the Minister for Finance will be required to lay before the Houses of the Oireachtas a statement setting out details of each guarantee he has given.

*Section 16* provides for the membership of the Agency. It will consist of 11 members, to include the chief executive. The membership must include two people nominated by the Minister for Health and

Children, one person nominated by the President of DIT and one person nominated by Dublin City Council's City Manager. The section also provides for payment of expenses, tenure, resignation, removal and disqualification.

*Section 17* provides that the chairperson of the Agency shall serve a 3 year term and serve no more than 2 terms. It also provides for cessation and resignation of membership.

*Section 18* makes provision for procedural rules governing meetings of the Agency.

*Section 19* permits the Agency to establish committees to advise it on any matters relating to its functions.

*Section 20* obliges the Agency to establish a Consultative Group of stakeholders to include local residents in the Grangegorman neighbourhood; local patients and healthcare service providers; Dublin City Council; DIT (including its staff and students); the Northern Area Health Board; the ERHA; certain Government Ministers and any other body the Agency or the Minister considers relevant. The group must hold as many meetings as are necessary to maintain an adequate communications strategy.

*Section 21* provides that the Agency will have a chief executive officer who will be appointed by it to manage and control the administration and business of the Agency. The chief executive's terms and conditions of employment will be determined by the Agency with the consent of the Minister and the Minister for Finance.

*Section 22* provides that the Agency will be staffed by persons appointed by it with the consent of the Minister and the Minister for Finance. The terms and conditions of staff will be determined by the Minister following consultation with the Agency and with the agreement of the Minister for Finance.

*Section 23* provides for a superannuation scheme for the staff of the Agency.

*Section 24* provides for the effect on members and staff on becoming a member of the Oireachtas or the European Parliament.

*Section 25* requires the Agency to prepare and publish a code of conduct applicable to staff and governing controls on staff interests and ethical behaviour.

*Section 26* imposes an obligation on the chief executive and members of the Agency and any committee of the Agency to make written declarations of their interests to the Minister. Consultants, advisers and staff of the Agency above a specified level will be required to make a declaration of interests to the Agency's chairperson. The Agency will be required to keep a register of interests which will be available for inspection by members of the public. Where a person fails to make a proper declaration, disciplinary action may be taken.

*Section 27* requires that, where at a meeting, a contract or arrangement with the Agency is to be discussed, any Agency member who has a personal interest in that contract or arrangement must disclose this and absent himself or herself from that part of the meeting and the decision-making process. A person who fails to make a disclosure as required may be removed from office.

*Section 28* imposes an obligation on a member of staff, consultant or adviser to disclose any personal interest he or she may have in a proposed contract or arrangement with the Agency and not to participate in the decision-making process regarding that contract or arrangement. Failure to make a disclosure will lead to disciplinary action up to and including dismissal.

*Section 29* makes it an offence for members, staff, consultants or advisers to disclose confidential information obtained while performing their duties.

*Section 30* provides for the acceptance of gifts of money, land and other property.

*Section 31* provides that the Agency must submit estimates of income and expenditure to the Minister. It must also keep accounts which will be submitted to the Comptroller and Auditor General for audit. The accounts and the report of the Auditor will be presented to the members of the Agency and the Minister. The Minister will then arrange for them to be laid before the Houses of the Oireachtas.

*Section 32* obliges the chief executive to appear before the Committee of Public Accounts of Dáil Éireann whenever required to do so.

*Section 33* obliges the chief executive to appear before any other committee of the Oireachtas whenever requested to do so.

*Section 34* provides that the Agency must give the Minister an annual report on its activities and the Minister will lay this report before the Houses of the Oireachtas. The Agency must also give the Minister any other information or reports on the performance of its functions as he or she requires.

*Section 35* permits the Agency to engage consultants or advisers to assist it in the performance of its functions.

*Section 36* provides for the seal of the Agency.

*Section 37* requires the Agency to indemnify its members and staff against any claim arising from the performance of their duties provided that it is satisfied that the person in question performed his or her duties in a *bona fide* manner.

*Section 38* prohibits any legal action against the Agency for damages for personal injury, property damage or other loss which is alleged to have been suffered as a result of a failure by it to perform its functions.

*Section 39* permits the Minister, by Order, to dissolve the Agency. That Order may provide for the transfer of property, rights and liabilities from the Agency to another body. It also may provide for the transfer of staff to similar employment by another statutory body, provided that the employee and statutory body both consent to this.

### **PART 3**

#### ***Miscellaneous***

*Section 40* amends the Planning and Development Act 2000 in order to include the Grangegorman Development Agency in the definition of “development agency” in section 165 of that Act. The purpose of this is to facilitate the making of a planning scheme for the Grangegorman site by the Agency once the site is designated a

strategic development zone. The planning scheme will include a written statement, a plan indicating the manner in which it is intended that the site is to be developed, and any likely environmental impacts of implementing the planning scheme.

*Section 41* amends the National Development Finance Agency Act 2002 in order to cover the Grangegorman Development Agency in its provisions. This means that, in carrying out its functions, the Grangegorman Agency will be able to avail of the Finance Agency's functions in relation to advancing moneys and entering into other financial arrangements, and advising on all aspects of financing, refinancing and insurance of public investment projects.

### ***Schedules***

*First Schedule* contains a description of the Grangegorman site.

*Second Schedule* contains a list of DIT properties which are to be transferred into the ownership of the Grangegorman Development Agency.

### ***Financial Implications***

*Section 6* provides that the expenses of the Minister in the administration of the Act may be paid from public funds. *Section 13* provides for the payment of grants to the Grangegorman Development Agency. *Section 14* permits the Agency, subject to Ministerial approval, to borrow monies to provide for its capital or current costs. *Section 15* permits the Minister for Finance to guarantee any borrowings of the Agency. The Bill, when enacted, will involve the allocation of additional resources to the areas covered by the Bill.

*An Roinn Oideachais agus Eolaíochta,  
Meitheamh, 2004.*